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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Richard Sepulveda, Plaintiff,)	Case Number 20-1861 SK
vs,)	
Son Nguyen, et al., Defendants.)	STIPULATION AND [PROPOSED] ORDER
)	TO EXTEND TIME UNDER F.R.C.P. 12(f)
)	
)	

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES AND THEIR
RESPECTIVE ATTORNEYS OF RECORD:

WHEREAS, this case has been assigned for early disclosures and mediation under General
Order 56, and the parties to this stipulation want to make best efforts to settle this case without
unnecessary litigation; and

WHEREAS, Defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. filed
their answer on April 10, 2020, and therefore Plaintiff's deadline for filing a motion under FRCP
12(f) to strike insufficient defenses from their answer is May 1, 2020 (i.e. 21 days later); and

WHEREAS, Plaintiff and Defendants Son Nguyen and Redwood and 35th Avenue Gas
Station, Inc. are trying to resolve their disagreements about the sufficiency of these defendants'
answers informally, however, they wish to avoid the necessity of plaintiff filing a Rule 12(f)
motion unless/until mediation pursuant to General Order No. 56 does not succeed;

THEREFORE:

IT IS HEREBY STIPULATED by and among Plaintiff and defendants, that the deadline for
Plaintiff to file any motion with respect to the answer filed by Son Nguyen and Redwood and 35th
Avenue Gas Station, Inc., under Federal Rule of Civil Procedure 12(f), be extended to 21 days
past the date that the mediator certifies that the mediation under General Order 56 has been

completed. It is also stipulated that (1) plaintiff, and Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. shall meet and confer within seven (7) days after the mediation has been certified as completed; (2) that Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. shall thereafter be allowed an opportunity to voluntarily amend their answer prior to plaintiff filing any rule 12(f) motion; (3) that any amended answer shall be filed no later than seven (7) days after Plaintiff, and Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. have met and conferred.

Law Offices of Richard A. Mac Bride

Richard Mac Bride /s/ Richard A. Mac Bride Date: April 21, 2020

Attorney for Plaintiff

Bowles & Verna LLP

Richard T. Bowles /s/ Richard T. Bowles Date: April 21, 2020

Attorney for defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc.

FILER'S ATTESTATION

Pursuant to General Order 45, Section X(B), I hereby attest that on April 21, 2020, I, Richard A. Mac Bride, the attorney of record for plaintiff herein, received the concurrence of attorney Richard T. Bowles, attorney for defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc., in the filing of this document.

/s/ Richard A. Mac Bride

Richard A. Mac Bride

ORDER

In the case of Sepulveda v. Nguyen et al., 20-1861 SK: Pursuant to the stipulation of plaintiff and defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc., and for good cause shown, it is hereby ORDERED, that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) be extended to 21 days past the date that the mediator certifies that mediation under General Order 56 has been completed. Plaintiff and defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. shall meet and confer within seven (7) days after the mediation has been certified as being completed. Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. shall thereafter have an opportunity to voluntarily amend their answer prior to plaintiff filing any Rule 12(f) motion with respect to the answer filed by Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. (Docket No. 9). Any amended answer shall be filed no later than seven (7) days after the parties meet and confer.

IT IS SO ORDERED.

Date: _____, 2020

Sallie Kim

United States Magistrate Judge